IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23386 of 2004

Between:

Syed Hameed Ali @ Hammu, S/o. syed Mohammed Ali,
R/o. H.No. 18-8-228/A/31-B1, Khalendunagar, Hyderabad.

..... PETITIONER

AND

1 The Inspector of Police, Santoshnagar, Hyderabad.
2 The Assistant Commissioner of Police, Malakpet Division,

Hyderabad.
3 The Commissioner of Police, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of respondents in continuing the rowdy sheet in spite of the directions of this Hon'ble Court and representations made by the petitioner is unconstitutional and consequently direct the respondents to close the rowdy sheet and pass such order or orders.

Counsel for the Petitioner: MR.K.S.MURTHY

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner challenges the action of the respondents in opening and continuing the rowdy sheet against him. The petitioner states that though he did not indulge in any criminal activities, certain false cases were filed against him under some provision or the other and a rowdy sheet was opened way back in the year 1986. He states that he has been acquitted in several cases filed against him and some cases were, in fact, closed by the Courts concerned with an observation that the allegations alleged against him are false. He contends that when there are no cases pending against him, there does not exist any justification for the respondents in continuing the rowdy sheet.

On behalf of the respondents, a counter-affidavit is filed. The list of the cases in which the petitioner figured as an accused is furnished. It is stated that the necessity to open a rowdy sheet against the petitioner and to continue the same arose on account of the illegal and unlawful activities undertaken by him. However, it is admitted that as of now no cases are pending against the petitioner.

Learned counsel for the petitioner submits that whatever may have been the justification in opening the rowdy sheet against the petitioner when the cases were either instituted or were pending, there does not exist any basis for continuing the same even after the cases ended either in acquittal or closure.

He places reliance upon a Judgment of this Court in *Mohammed Quadeer & Ors. V. Commr. of Police, Hyderabad & Anr.*

Learned Government Pleader for Home, on the other hand, submits that pendency of cases is not a *sine qua non* or a pre-requisite for opening or continuing a rowdy sheet. According to her, the conduct or the tendency of the petitioner constitutes the basis for continuing the rowdy sheet.

Rowdy sheets are opened by the police authorities in the State of Andhra Pradesh in exercise of powers under S.O.735(2) of A.P. Police Standing Orders. In *Mohammed Quadeer's case (cited supra)*, this Court examined the statutory force of the said provision and its impact on the rights of individuals guaranteed under Article 21 of the Constitution of India. Extensive discussion was undertaken. It was held *inter alia* that S.O.735(2) does not have any statutory force, as such, and, at any rate, a rowdy sheet cannot be either opened or renewed, unless any criminal cases involving substantial charges are pending against the individual concerned. It hardly needs any emphasis that opening or continuance of a rowdy sheet would have deleterious effect upon the dignity and social status of the individual. Such a step can be taken if only there exists substantial factual basis.

In all fairness, the respondents have stated in their counter-affidavit that there are no cases at present against the petitioner. It is not alleged in the counter-affidavit that the petitioner is indulging in any antisocial or unlawful activities. The petitioner has categorically stated that he is maintaining good conduct and intends to lead a respectable life.

Having regard to the facts and circumstances of the case, the writ petition is allowed directing that the respondents shall discontinue the rowdy sheet against the petitioner. It is, however, made clear that in case the petitioner is found to be resorting to any illegal or unlawful acts, it shall be open to the respondents to take necessary steps in accordance with law. There shall be no order as to costs.

18.01.2005

ksld

To

1 The Inspector of Police, Santoshnagar, Hyderabad.
2 The Assistant Commissioner of Police, Malakpet Division,

Hyderabad.
3 The Commissioner of Police, Hyderabad.

4 Two C.Cs. to the Government Pleader for Home, High Court

Buildings, A.P., Hyderabad, (OUT).

5 Two C.D. Copies.